



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: SUGITA, et al. Examiner: Tsai, H Jey  
Serial No.: 10/719,412 Group Art Unit: 2812  
Filed: November 21, 2003 Docket: 10873.1333USW1  
Confirmation No.: 3355 Notice of Allow. Date: n/a  
Due Date: n/a  
Title: MAGNETORESISTIVE ELEMENT AND METHOD FOR PRODUCING THE SAME, AS WELL AS MAGNETIC HEAD, MAGNETIC MEMORY AND MAGNETIC RECORDING DEVICE USING THE SAME

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2004.

By:

Name: Peggy Kerkhove

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 9 Reference(s)
- ☒ Check(s) in the amount of \$180 for payment of the IDS filing fee
- ☒ Other: A copy of co-pending Application No. 10/276,966, Verified English Translation of JP 2002-142433
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

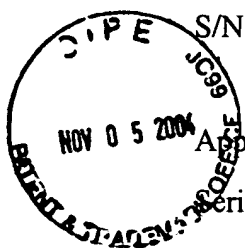
MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:

Name: Douglas P. Mueller

Reg. No.: 30,300

DPM/pjk



S/N 10/719,412

PATENT

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By:

Name: Peggy Kerkhove

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Applicants hereby bring attention to the Examiner that they have a commonly assigned co-pending application, Serial No. 10/276,966, filed February 19, 2003 and the references listed were cited in the afore-mentioned case. A copy of the specification, claims and drawings from the co-pending application is enclosed for the Examiner's review. Applicants also hereby bring attention to application no. WO 02/088795 cited herewith, which corresponds to Serial No. 10/276,966. The foreign priority date of the above-identified application is April 23, 2002, which is prior to the filing date of WO 02/088795. A verified English translation of the Japanese priority document is enclosed. Based on this information, WO 02/088795 is not available as 35 U.S.C. § 102(e) prior art.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. Enclosed is a

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check in the amount of \$180 under 37 C.F.R. § 1.17(p) for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. §1.98(a)(3)):

US 5,301,984 is an English equivalent of JP 10-162326. US 6,052,263 is an English equivalent of JP 2000-067418. US 6,418,001 is an English Equivalent of 2000-187816. English abstracts have been included for all other non-English language documents.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

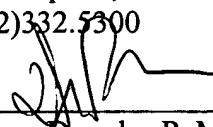
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

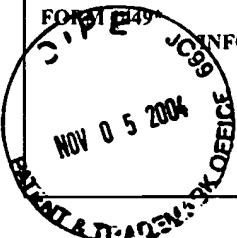
MERCHANT & GOULD P.C.  
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(612)332.5300

Dated: November 3, 2004

By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/pjk



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|  <b>INFORMATION DISCLOSURE STATEMENT</b><br><br><b>IN AN APPLICATION</b><br>(Use several sheets if necessary) | <b>Docket Number:</b><br>10873.1333USW1 | <b>Application Number:</b><br>10/719,412 |
|   | <b>Applicant:</b> SUGITA, et al.        |  |
|   | <b>Filing Date:</b> November 21, 2003   | <b>Group Art Unit:</b> 2812              |

| U.S. PATENT DOCUMENTS |              |                |                  |       |          |                            |
|-----------------------|--------------|----------------|------------------|-------|----------|----------------------------|
| EXAMINER INITIAL      | DOCUMENT NO. | DATE           | NAME             | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|                       | 5,449,419    | August, 1995   | Suzuki, et al.   |       |          |                            |
|                       | 5,801,984    | August, 1998   | Parkin           |       |          |                            |
|                       | 6,005,753    | December, 1999 | Fontana, et al.  |       |          |                            |
|                       | 6,052,263    | April, 2000    | Gill             |       |          |                            |
|                       | 6,387,548    | May, 2002      | Hasegawa, et al. |       |          |                            |
|                       | 6,418,001    | July, 2002     | Nakatani         |       |          |                            |
|                       |              |                |                  |       |          |                            |

| FOREIGN PATENT DOCUMENTS |              |                 |         |       |          |             |    |
|--------------------------|--------------|-----------------|---------|-------|----------|-------------|----|
|                          | DOCUMENT NO. | DATE            | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|                          |              |                 |         |       |          | YES         | NO |
|                          | 0 674 327    | September, 1995 | EP      |       |          |             |    |
|                          | 0 717 422    | June, 1996      | EP      |       |          |             |    |
|                          | 10-162326    | June, 1998      | Japan   |       |          |             |    |
|                          | 0 871 231    | October, 1998   | EP      |       |          |             |    |
|                          | 2000-020922  | January, 2000   | Japan   |       |          |             |    |
|                          | 2000-067418  | March, 2000     | Japan   |       |          |             |    |
|                          | 2000-187816  | July, 2000      | Japan   |       |          |             |    |
|                          | 02/088765    | November, 2002  | WIPO    |       |          |             |    |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |  |   |
|--|--|---|
|  |  | Johnson. M, " Symposium on Spin Tunneling and Injection Phenomena", J. Appln. Phys. 79(8), 15 April 1996, pp. 4724-4729 |
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PATENT TRADEMARK OFFICE

|   |                        |
|---|------------------------|
| <b>EXAMINER</b>   | <b>DATE CONSIDERED</b> |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. |                        |